

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

Request For Interview

Upon review of the current Office Action and the cited references, the undersigned is unable to find disclosure asserted to be in the cited references. This will be borne out in the arguments presented below. In view of the failure of the undersigned to find the asserted teachings in the cited art, it is believed possible that the Examiner is interpreting language of the cited art or the claims in a manner that is not comprehended by the undersigned. Accordingly, after reviewing the present response, if the Examiner wishes to persist with the present rejections or the present art, the courtesy of an interview is requested so that the undersigned can understand the Examiner's reasoning and can more appropriately address the rejections. The undersigned can be reached at the telephone number appearing at the end of this response.

Regarding All Signal and Transmission Media Claims

All signal and transmission media claims have been cancelled by this amendment without prejudice. It is the undersigned's understanding that such claims are not currently considered statutory by the U.S. Patent Office under current examination policy. Applicants and the undersigned disagree with this policy and believe that this is a matter to be determined by the Board of Appeals or the Courts. However, in order to expedite prosecution of the present application, all claims that are believed to fall within this area have either been amended or cancelled. Applicants reserve the right to present these claims or similar claims in a continuing application so that the matter can be decided upon appeal, but do not wish for an appeal on statutory subject matter issues to slow down prosecution of the remaining claims of this application.

Regarding the Hoffman Reference

The undersigned has studied the Hoffman reference in detail and notes with particularity that the Hoffman reference is used as a primary reference for all anticipation and obviousness rejections in the present application. In particular, the Examiner cites col. 4, line 40 through column 6, line 57 repeatedly throughout the various rejections. In reviewing Hoffman in general and this citation in particular, the undersigned fails to find any trace of many of the teachings asserted as being present in the Office Action. For this reason, all anticipation rejections are believed in error for lack of the presence of all claim features in Hoffman. Additionally, all obviousness rejections are submitted to be deficient at least for failure to fully consider each claim element.

Regarding the Rejections under 35 U.S.C. §102

Claims 1-6, 9-23, 26-36, 40, 41, 44, 45, 48-51, 54-59, 62-70, 73-79, 82-94, 97-108, 111-119, 121, 122, 125-155, 157-162, 165-170 and 173-178 were rejected as anticipated by the Hoffman reference of record. Applicants respectfully traverse the rejection and request reconsideration as follows, first considering the independent claims:

Regarding independent claim 1, the Office Action asserts that Hoffman discloses “duplicating packets identified as being of the packet type to create first and second duplicate packets; encrypting the first duplicate packets according to a first encryption method to create first encrypted packets; encrypting the second duplicate packets according to a second encryption method to create second encrypted packets; and replacing the unencrypted packets of the packet type with the first and second encrypted packets in the digital television signal to produce a multiple partially encrypted digital television signal” at col. 4, line 40 to col. 6, line 54. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere, and submits that it is not present. The undersigned is unable to find a teaching, suggestion or even a hint of duplicating, multiple encrypting the duplicate packets using first and second encryption methods and replacing the encrypted duplicate packets into the digital television signal as claimed. In order to establish anticipation, each and every claim element must be taught, and Hoffman lacks all of the above elements of claim 1. In fact, it is questionable whether Hoffman

has disclosure of the first claimed function of “examining unencrypted packets of data in the digital television signal to identify a packet type”, at least when taken in the context that packets of the packet type are duplicated and multiple encrypted per the remaining claim functions (to paraphrase without intent of limiting). In view of the above, it is clear that claim 1 is not anticipated.

Regarding independent claim 16, the Office Action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. Claim 16 has claim elements similar to those of claim 1 except that explicit duplication is not called out, since creating multiple encrypted versions of the same content can be done without carrying out the functions on multiple copies of the original content. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere. The undersigned is unable to find a teaching, suggestion or even a hint of multiple encrypting the selected packets using first and second encryption methods and replacing the encrypted packets into the digital television signal as claimed. Hence, for the same reasons cited above in connection with claim 1, claim 16 is also submitted to be allowable.

Regarding independent claim 31, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. Claim 31 has claim elements similar to those of claim 16. As noted above, the undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere. Hence, for the same reasons cited above in connection with claims 1 and 16, claim 31 is also submitted to be allowable.

Regarding Independent claim 51, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere. Moreover, claim 51 relates to a television set top box having receiver, decrypter and decoder elements. Col. 4, line 40 through col. 6, line 57 describes an encryption system, not a decryption system. The only mention of decryption in Hoffman that the undersigned can identify is the presence of block 22 in Fig. 1. No enabling teaching appears to be present as to the operation of block 22. Hence, claim 51 is also submitted to be allowable.

Regarding Independent claim 62, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. The undersigned finds no such

teachings in Hoffman, either at the cited text or elsewhere. Moreover, claim 62 relates to a method of decrypting including functions of receiving, decrypting and decoding. Col. 4, line 40 through col. 6, line 57 describes an encryption system, not a decryption system. Again, the only mention of decryption in Hoffman that the undersigned can identify is the presence of block 22 in destination device 14 of Fig. 1. No enabling teaching appears to be present as to the operation of block 22 or destination device 14. Moreover, there is no teaching or suggestion of the multiple partially encrypted signal that is decrypted. Hence, claim 62 is also submitted to be allowable.

Regarding Independent claim 73, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere. Moreover, claim 73 relates to a method of decrypting including functions of receiving and decrypting. Col. 4, line 40 through col. 6, line 57 describes an encryption system, not a decryption system. Again, the only mention of decryption in Hoffman that the undersigned can identify is the presence of block 22 in destination device 14 of Fig. 1. No enabling teaching appears to be present as to the operation of block 22 or destination device 14. Moreover, there is no teaching or suggestion of the multiple partially encrypted signal that is decrypted. Hence, claim 73 is also submitted to be allowable.

Regarding Independent claim 89, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere. Moreover, claim 89 relates to a method of decrypting including functions of receiving, decrypting and decoding. Col. 4, line 40 through col. 6, line 57 describes an encryption system, not a decryption system. Again, the only mention of decryption in Hoffman that the undersigned can identify is the presence of block 22 in destination device 14 of Fig. 1. No enabling teaching appears to be present as to the operation of block 22 or destination device 14. Moreover, there is no teaching or suggestion of the multiple partially encrypted signal that is decrypted. Hence, claim 89 is also submitted to be allowable.

Regarding Independent claim 102, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. The undersigned finds no such

teachings in Hoffman, either at the cited text or elsewhere. Moreover, claim 102 relates to a method of decrypting including functions of receiving and decrypting. Col. 4, line 40 through col. 6, line 57 describes an encryption system, not a decryption system. Again, the only mention of decryption in Hoffman that the undersigned can identify is the presence of block 22 in destination device 14 of Fig. 1. No enabling teaching appears to be present as to the operation of block 22 or destination device 14. Moreover, there is no teaching or suggestion of the multiple partially encrypted signal that is decrypted. Hence, claim 102 is also submitted to be allowable.

Regarding independent claim 116, the Office Action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. Claim 116, while distinguishing over Hoffman, has been amended to more specifically address a presently preferred embodiment. Claim 116 has several claim elements similar to those of claim 1. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere of the elements asserted to be present at this cited passage. The undersigned is unable to find a teaching, suggestion or even a hint of multiple encrypting the selected packets using first and second encryption methods and transmitting the encrypted and unencrypted packets as claimed. Hence, for the same reasons cited above in connection with claim 1, claim 116 is also submitted to be allowable.

Regarding independent claim 126, the Office Action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. Claim 126 calls out the functions of examining, duplicating and inserting as a sub-process of one embodiment of the encryption process according to certain embodiments. The undersigned again is unable to find teachings of this process in the Hoffman disclosure at the cited passages or elsewhere.

Regarding independent claims 131, 133, 134, 136, 139 and 164, the Office Action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. These claims have claim elements similar to those of claim 1, and are submitted allowable for the same reasons. Hence, for the same reasons cited above in connection with claim 1, claim 16 is also submitted to be allowable.

Regarding Independent claims 148 and 150, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere. Moreover, claim 148 relates to a

method of decrypting including functions of receiving, decrypting and decoding. Col. 4, line 40 through col. 6, line 57 describes an encryption system, not a decryption system. Again, the only mention of decryption in Hoffman that the undersigned can identify is the presence of block 22 in destination device 14 of Fig. 1. No enabling teaching appears to be present as to the operation of block 22 or destination device 14. Moreover, there is no teaching or suggestion of the multiple partially encrypted signal that is decrypted. Hence, claim 148 is also submitted to be allowable.

Regarding Independent claims 152, 153 and 154, the Office action again asserts that Hoffman discloses each of the claim elements at col. 4, line 40 to col. 6, line 57. The undersigned finds no such teachings in Hoffman, either at the cited text or elsewhere. Moreover, claim 148 relates to a television set top box having decrypting functions. Col. 4, line 40 through col. 6, line 57 describes an encryption system, not a decryption system. Again, the only mention of decryption in Hoffman that the undersigned can identify is the presence of block 22 in destination device 14 of Fig. 1. No enabling teaching appears to be present as to the operation of block 22 or destination device 14. Moreover, there is no teaching or suggestion of the multiple partially encrypted signal that is decrypted. Hence, claim 148 is also submitted to be allowable.

To summarize, the Hoffman reference appears to be only remotely related to the present invention in that both the present invention and Hoffman relate to encryption technology. As noted above, perhaps it is the case that the undersigned simply does not understand how the Examiner is interpreting the art or the claims. Hence, the undersigned reiterates the request for an interview.

In view of the above dramatic distinctions between Hoffman and the independent claims, the undersigned submits that it is counter-productive to comment on the further distinctions made in the dependent claims in the absence of clarification as to the Examiner's position that resolves the major fundamental differences between the claims and Hoffman. In view of this, the undersigned submits that all dependent claims are patentable at least for the reasons that render the independent claims patentable, and reserve the right to comment on the dependent

claim rejections if needed in light of a further explanation of the rejection of the independent claims.

Regarding the Rejections under 35 U.S.C. §103

Claims 8, 25, 38, 47, 61, 72, 81, 96, 110, 124, 164 and 172 were rejected as obvious in view of Hoffman in view of Darr of record.

The Darr reference is used for its teaching of carrying a payload of closed captioning information. In view of the above noted shortcomings of Hoffman, it is submitted that *prima facie* obviousness has not been established for the present claims due to the erroneous interpretation of Hoffman. When properly interpreted, Hoffman fails to teach or suggest most or all of the claim features asserted to be taught therein. Hence, obviousness has not been established for failure to fully and properly consider each claim feature.

Claims 39 and 120 were rejected as obvious in light of Hoffman in view of Monroe of record.

The Monroe reference is cited for its teachings relating to MPEG I picture packets. However, in view of the above noted shortcomings of Hoffman, it is submitted that *prima facie* obviousness has not been established for the present claims due to the erroneous interpretation of Hoffman. When properly interpreted, Hoffman fails to teach or suggest most or all of the claim features asserted to be taught therein. Hence, obviousness has not been established for failure to fully and properly consider each claim feature.

Claims 42, 52, 140 and 156 (and apparently 43 and 53) were rejected as obvious in light of Hoffman in view of Misu of record.

The Misu reference is cited for its teachings relating to transport streams. However, in view of the above noted shortcomings of Hoffman, it is submitted that *prima facie* obviousness has not been established for the present claims due to the erroneous interpretation of Hoffman. When properly interpreted, Hoffman fails to teach or suggest most or all of the claim features

asserted to be taught therein. Hence, obviousness has not been established for failure to fully and properly consider each claim feature.

Concluding Remarks

The cited Hoffman reference appears so remote as to make detailed discussion of the distinctions difficult and pointless. Accordingly, the thrust of Applicants' position is that the Office Action fails to establish unpatentability because the Hoffman reference is so deficient as to completely fail to teach multiple element of every claim. In view of this deficiency, detailed discussion of each claim is fruitless. However, the undersigned allows that the Examiner may be taking an interpretation of the claims or Hoffman that is not understood or clear from the Office Action. Hence, the undersigned again reiterates that should the Examiner feel that the undersigned has missed the point of the rejections, the courtesy of an interview would be appreciated.

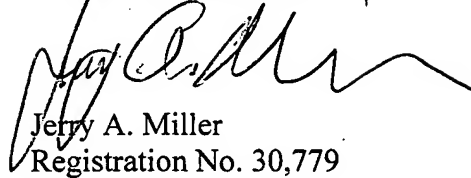
The undersigned explicitly notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above and the apparent vast differences between the art and the claims, further discussion is believed to be unnecessary at this time, since the deficiencies in Hoffman adequately address all of the rejections. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort. It should only be interpreted as an indication of the undersigned's belief that the art cited is so remote that further discussion is unnecessary since the failures of the teachings of Hoffman are adequate to fully address all rejections.

No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned

can be reached at the telephone number below.

Respectfully submitted,



Jerry A. Miller
Registration No. 30,779

Dated: 8/24/06

Please Send Correspondence to:
Jerry A. Miller
Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982
Customer Number 24337